

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for granting the telephone interview conducted on April 28, 2009 with the Examiner. During the interview, a further explanation regarding the distinction between the claimed subject matter and the prior art has been presented by the applicant's representative. In particular, none of the prior art explicitly discloses a user interface template stored in the thin information appliance prior to downloading the user interface data as required in independent claim 44. Proposed amendments were also presented during the interview. It was agreed by the Examiner that, a further search of prior art will be conducted regarding the argument and proposed amendments presented during the interview.

By the present amendment, claims 44-80 remain in this application. Applicant amends claims 44, 46, 53, 55, 58, 60, 63, 65, 67, 72, 74, and 76-80 in the present amendment to more clearly and particularly describe the claimed subject matter. Applicant respectfully requests reconsideration and allowance.

#### ***Claim Rejections - 35 USC § 103***

Claims 44-49 and 52-80 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Humpleman [US. 6,288,716] in view of Yang [US. 6,133,847].

Regarding independent claim 44, it is acknowledged in the Office action that Humpleman fails to clearly teach the thin information appliance with limited processing and storage capabilities. It is also noted that the Examiner considers Yang as teaching the thin information

appliance that does not download the entire user interface of the controlled devices but only the programming code of its controlled devices.

Claim 44 has been amended to distinguish further the claimed subject matter from the cited references. Claim 44 requires “the user interface is created from a user interface template”, and “the user interface template is stored in the thin information appliance prior to the initiation of the connection”. Humpleman does not teach or suggest the user interface template as required in claim 44. By contrast, Humpleman merely downloads the entire user interface (e.g. HTML, see col. 2, lines 57-67 and col. 4, lines 28-41) from the remote device rather than creating the user interface from the existing user interface template in the thin information appliance. Yang also fails to explicitly disclose the user interface template that has already been stored in the thin information appliance prior to initiation of the connection to the remote device. Yang only teaches that programming software is downloaded from a remote device to a remote control device. Furthermore, claim 44 explicitly requires a series of steps for creating and storing the user interface from the existing user interface template in the thin information appliance based on the user interface data received from the remote device. Both references fail to disclose all the steps as required in claim 44. Accordingly, none of the cited references discloses all limitations in claim 44. Therefore, it is respectfully requested that the rejection of claim 44 be withdrawn.

Regarding claim 45, it is acknowledged in the Office action that Humpleman fails to clearly teach the thin information appliance with limited processing and storage capabilities. It is noted, however, the Examiner considers Yang as teaching user interface data describing a plurality of remote device functions that does not comprise a whole of the user interface for the thin information appliance. Claim 45 explicitly requires “the user interface data describing the plurality of remote device functions does not comprise a whole of the user interface for the thin

information appliance to control the remote device, thereby reducing resources usage of the thin information appliance". Yang, however, only teaches downloading programming software code that is required in order to control the functions of the appliance to be controlled (see col. 3, lines 6-13). While Yang does not specifically address this point, Yang does not eliminate the possibility that the code has been downloaded may comprise a whole of the user interface in contrast to the negative limitation that has been particularly pointed out and distinctly claimed in claim 45. Without any teaching, express or implied, the Yang reference cannot be properly relied upon for teaching this limitation. As both references fail to teach or suggest all the limitations as required by claims 45, it is respectfully requested that the rejection of claim 45 be withdrawn.

Claims 46-49, 52, 71, and 72 depend from independent claim 44 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 44.

Regarding independent claims 53, 58, 63, and 67, they have been amended to better distinguish them from the references. Similar to the discussion above with respect to claim 44, none of the cited references discloses all limitations in claims 53, 58, 63, and 67. Therefore, it is respectfully requested that the rejection of claims 53, 58, 63, and 67 be withdrawn.

Claims 54-57, 59-62, 64-66, 68-70, and 73-80 depend from either one of independent claims 53, 58, 63, and 67, and are, therefore, allowable for at least the reasons provided in support of the allowability of claims 53, 58, 63, and 67.

Claims 50 and 51 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Humpleman in view of Yang. Claims 50 and 51 depend from independent claim 44 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 44.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ACER-45234.

Respectfully submitted,  
PEARNE & GORDON, LLP

By: /Aaron A. Fishman/  
Aaron A. Fishman – Reg. No. 44,682

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: May 4, 2009